

PART 2063 - EMPLOYEE RELATIONS AND SERVICES

Subpart K - Operation of the Labor-Management Relations Program

§ 2063.501 Purpose.

This subpart specifies procedures and practices for implementing the Labor-Management Relations Program of U.S. Department of Agriculture (USDA) Rural Development.

§ 2063.502 Definitions.

(a) The following terms are used herein as defined in 5 CFR Part 711, the Federal Service Labor-Management Relations Statute (FSL-MRS): employee, supervisor, management official, and labor organization.

(b) The following terms are used herein as defined in section 4 of DR 4070-711, "Labor Relations": Agency Head Review; Collaborative Labor Relations Strategy; Compliance Labor Relations Strategy; Exception to Arbitration Award; Federal Service Labor-Management Relations Statute; Federal Labor Relations Authority (FLRA); Full-Performance Level Labor Relations Specialist; Level of Recognition; Management; Unfair Labor Practice (ULP); and Unions.

(c) As used herein, the term collectively bargained agreement (CBA) includes all agreements, oral or written, between Rural Development and an exclusive representative affecting and/or governing conditions of employment of bargaining unit employees, and any amendments thereto.

§ 2063.503 Resolving questions of representation.

(a) Petition. Whenever any representation petition naming Rural Development as the employer is filed with the FLRA, the State Director or other Rural Development manager having supervisory authority will send copies of the charge to the Assistant Administrator Human Resources (AAHR) and Director, Labor Relations Staff (D-LRS), including:

- (1) A complete listing of the names, job titles, and wage grades of all persons and positions within the relevant component of Rural Development.
- (2) A chart of the organization of the relevant component of Rural Development.

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(b) Representation of Rural Development. The D-LRS, or a full performance level Labor Relations (LR) Specialist assigned by the D-LRS, will represent Rural Development before the FLRA in any proceedings related to the representation petition pursuant to 5 CFR 2422.

(c) Recognition. If, as a result of the representation proceedings, the FLRA certifies any labor organization as the exclusive representative of the employees in an appropriate unit, the appropriate official who oversees the employees at the level of recognition will recognize and bargain with that labor organization.

§ 2063.504 Resolving allegations of unfair labor practices (ULPs).

(a) Charge. Whenever any ULP charge naming Rural Development as the employer is filed with the FLRA, the State Director or other Rural Development manager having supervisory authority will send copies of the charge to the AAHR and D-LRS, including:

(1) A complete listing of the names, job titles, and wage grades of all persons and positions within the relevant component of Rural Development.

(2) A chart of the organization of the relevant component of Rural Development.

(b) Representation of USDA Rural Development. The AAHR or designee or the D-LRS will assign the D-LRS, or a full performance level LR Specialist assigned by the D-LRS, Office of the General Counsel (OGC) attorney or qualified outside contractor to represent Rural Development before the FLRA in any proceedings related to the charge pursuant to 5 CFR 2423.

§ 2063.505 Reporting requirements.

State Directors and other Rural Development managers having supervisory responsibility for units in which exclusive recognition has been granted to labor organizations should maintain the following data and report it as indicated.

(a) Information for the Office of Personnel Management (OPM). The following data, as of November 1st each year, related to the establishment of new or revised bargaining units or related to negotiated or renegotiated CBAs or otherwise are required to complete the OPM Form 913B "Recognitions and Agreements Change Form." This form should be submitted to the D-LRS by November 15 each year.

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- (1) Number of wage employees in the unit.
- (2) Number of professional employees in the unit.
- (3) Number of all other nonprofessional general schedule (or equivalent) employees in the unit.
- (4) Total number of all employees in the unit (This total should equal the sum of the above three items).

(b) CBAs. A printed copy and the electronic text of the CBA should be submitted to the D-LRS upon formal execution of the document.

(c) Official time. Official time is the number of hours of duty (official) time used by employees for representation activities performed under the FSL-MRS. This information should be submitted annually on or before the last day of each fiscal year, and should be classified by Transaction Codes (TC) as follows:

- (1) TC 35: term negotiations (includes time spent negotiating a term CBA or for ground rules for such negotiations, mediation, impasse proceedings, negotiability proceedings and, if granted, to prepare for such representational activities.)
- (2) TC 36: mid-term negotiations (includes time spent negotiating during the term of a CBA because of a reopener, demand related to a subject not covered by the CBA, pending change, etc., mediation, impasse proceedings, negotiability proceedings and, if granted, to prepare for such representational activities.)
- (3) TC 37: general labor-management relations (includes time spent attending formal discussions, "Weingarten" meetings, training sponsored by labor organization, or agency teams/tasks forces as representative of labor organization, representation proceedings and, if granted, to prepare for such representational activities.)
- (4) TC 38: dispute resolution (includes time spent related to representation during grievance and arbitration proceedings, ULP proceedings, adverse actions, Equal Employment Opportunity complaints, Alternative Dispute Resolution, and related appellate processes and, if granted, to prepare for such representational activities.)

(d) Conduct of labor-management relations. Information related to the expenditure of time and resources by management officials and supervisors to satisfy Rural Development's actual or potential LR obligations: This information should be provided to the Labor Relations Staff semi-annually, specifically, within 10 days of March 31 and September 30 of each year.

- (1) Numbers of requests for information and current status.
- (2) Numbers of grievances and/or arbitrations and current status.
- (3) Numbers of ULP charges filed against the agency and current status.
- (4) Numbers of ULP charges filed against labor organizations and current status.
- (5) Number of bargaining sessions and status of contract negotiations.
- (6) Hours of instruction and number of persons receiving training in labor-management relations.

§ 2063.506 Allotment of dues through payroll withholding.

As permitted by §7115 of the FSL-MRS, if the agency has received from an employee in an appropriate unit a written voluntary assignment authorizing the agency to deduct from the pay of the employee amounts for the payment of regular and periodic dues of a labor organization, the agency shall honor the assignment and make an appropriate allotment pursuant to the assignment. Any such allotment to a labor organization which is an exclusive representative shall be made at no cost to the labor organization or the employee.

§ 2063.507 Other requirements.

The AAHR, State Directors, and D-LRS:

- (a) Must keep one another informed of current activities related to actual or potential LR relevant to their respective jurisdictions.
- (b) May not add to or change Rural Development Instructions 2063-I and 2063-K. States cannot supplement these requirements with their own State supplements.

§§ 2063.508 - 2063.550 [Reserved]

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